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Finance and Administration References Committee
Department of the Senate
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AUSTRALIA

Inquiry into access to Australian Parliament House by lobbyists
Public submission for publishing (with my name) on the internet

Thank you for the opportunity to provide a submission to this inquiry.

We are two academics from the University of Melbourne (Lacy-Nichols) and the University of Queensland (Cullerton). Dr Lacy-Nichols is a member of Transparency International Australia, and an expert advisor for the World Health Organisation on the commercial determinants of health. The views we express in this submission are our own, and not that of the institutions mentioned.

Our research explores how businesses influence health, with a focus on the political strategies used by businesses to influence government decision-making and public health policies. There is a long and richly documented history of industries, such as tobacco, alcohol, gambling, fossil fuels, arms, pharmaceuticals and others, attempting to influence policy making to protect business profits at the expense of public health, the environment and human rights.^{1,2,3}

Transparency is not a panacea. But it is an important tool to prevent vested interests from hiding their influence, and to support democratic decision making.^{4,5}

In our research, we have analysed lobbyist registers and ministerial diaries extensively, both in Australia and overseas. We have found that Australian data about lobbying is often delayed, disorganised and incomplete. While Australia by no means has the worst political transparency, it could do far better.

We have substantial practical experience in trying to use and analyse the current mechanisms in place to provide transparency about lobbying in Australia, particularly with lobbyist registers and ministerial diaries. Recently, we published an article in *Health Promotion International*⁶ mapping out the Australian lobbyist registers across all jurisdictions (noting that the Northern Territory still lacks a register). We have also analysed the improvements made to the Queensland lobbyist register⁷ and compared transparency frameworks and lobbyist registers internationally to develop best practice recommendations to improve political transparency.

We applaud the inquiry's initiative to address some of the many loopholes in current regulations. In the below, we offer recommendations to strengthen current regulations and bring Australia in line with international best practice. We are happy to provide further information if useful.

¹ Acton C, Hawkins B. Are UK alcohol industry political donations intended to influence public health policies? – Analysis of publicly available data on donations and lobbying. *Journal of Public Affairs*. 2021;n/a(n/a):e2740.

² Hird TR, et al. Understanding the long-term policy influence strategies of the tobacco industry: two contemporary case studies. *Tobacco Control*. 2022;31(2):297-307.

³ Hussain Z, et al. A qualitative framing analysis of how firearm manufacturers and related bodies communicate to the public on gun-related harms and solutions. *Preventive Medicine*. 2023;166:107346.

⁴ Transparency International. Open Data to Fight Corruption. 2016.

https://images.transparencycdn.org/images/2016_OpenData_EULobbying_EN.pdf. Accessed 22 September 2023.

⁵ Global Data Barometer. First Edition Report – Global Data Barometer. 2022. <https://globaldatabarometer.org/wp-content/uploads/2022/05/GDB-Report-English.pdf>. Accessed 20 August 2023.

⁶ Lacy-Nichols J, Christie S, Cullerton K. (2023) Lobbying by omission: what is known and unknown about harmful industry lobbyists in Australia *Health Promotion International*. <https://doi.org/10.1093/heapro/daad134>

⁷ Lacy-Nichols J & Cullerton K. (2023). Baby steps in lobbying reform: opportunities and challenges in Queensland. *MJA*. <https://doi.org/10.5694/mja2.52187>

Recommendations to improve lobbying transparency relating to the TOR

(a) current transparency arrangements relating to the lobbyist register:

Current transparency arrangements relating to the lobbyist register are inadequate. We can look to **best practice internationally to see how Australia could improve**. A few countries stand out with exceptional lobbying transparency. Canada⁸, Ireland⁹, the United States¹⁰, Scotland¹¹, and Chile¹² all provide detailed and (fairly) timely disclosures of lobbying activities. In particular, they share the following qualities:

- An inclusive definition of ‘lobbyist’ which includes in-house lobbyists (e.g., the government relations department of a company) as well as not-for-profits and charitable organisations (who do lobby on behalf of vested interests).
- Contact logs that record lobbyist meetings and communications, including the date, location, government target, attendees, topics discussed and ultimate purpose of the communication.
- The United States stands out for its financial disclosures, where quarterly reports are required disclosing the amount spent (or earned, in the case of consultant lobbyists) on lobbying.
- Canada stands out for its stringent “cooling off” period to protect against conflicts of interest (former members of government and public servants are restricted from lobbying for **five years**).
- Finally, the registers are user friendly. They are easily searchable and downloadable in a format that enables computer analysis (e.g. .csv files, not pdfs).

These features are also highlighted in international frameworks that evaluate lobbying transparency.^{13,14,15}

Australia does not need to start from scratch. There are clear examples of good quality transparency internationally that it can adopt to strengthen its own transparency regulations, based on these we recommend Australia adopts the following changes:

1. **Definition of lobbyists:** lobbyist registers should apply to both professional lobbyists as well as in-house lobbyists. Not-for-profits and charitable organisations should be subject to the same requirements if they engage in lobbying.
2. **Lobbying activities:** a detailed contact log should provide information about all communications (e.g. meetings, emails, phone calls) including: the date, location, time, topics, and purpose of the lobbying.
3. **Financials:** companies should disclose the amount of money spent on lobbying and how it was allocated; lobbyists and lobby firms should disclose the amount of money received from specific clients.
4. **Revolving door:** lobbyists must disclose all government employment and the date they left. A ‘cooling off’ period of at least 18 months (or longer) must be imposed to protect against conflicts of interest.
5. **Design of the register:** Data should be machine readable (e.g. a .csv file) and downloadable at once. Companies and lobby firms should provide identification/registration numbers.
6. **Timeliness:** registers should be updated with 15 days of changes (e.g. new clients, lobbyists, contact logs).

⁸ Canada (<https://laws.justice.gc.ca/eng/acts/L-12.4/FullText.html>)

⁹ Ireland (<https://data.oireachtas.ie/ie/oireachtas/act/2015/5/eng/enacted/a515.pdf>; <https://www.lobbying.ie/help-resources/information-for-lobbyists/am-i-lobbying/>; <https://www.lobbying.ie/help-resources/information-for-lobbyists/guidelines-for-people-carrying-on-lobbying-activities/are-you-affected-by-the-legislation/>)

¹⁰ United States (https://www.senate.gov/legislative/Lobbying/Lobby_Disclosure_Act/TOC.htm)

¹¹ Scotland (https://www.legislation.gov.uk/asp/2016/16/pdfs/asp_20160016_en.pdf)

¹² Chile (<https://www.bcn.cl/leychile/navegar?idNorma=1060115&idParte=>)

¹³ Laboutková Š, Vymětal P. A black box assessment of institutional quality: the challenge of evaluating lobbying transparency. *Policy Studies*. 2023;44(3):336-55.

¹⁴ Chari R, et al. *Regulating lobbying: a global comparison*. Regulating lobbying (second edition): Manchester University Press; 2020.

¹⁵ Center for Public Integrity. *Hired Guns Methodology 2007*. <https://publicintegrity.org/politics/state-politics/influence/hired-guns/methodology-5/>. Accessed 22 January 2024.

To minimise the administrative burden of the register, both for the department running the register, as well as for the lobbyists and others input information into it, we recommend:

- Put all the information in one place – information about the pass holders should be part of the lobbyist register.
- Create simple data entry forms to collect information about lobby firms, lobbyists, and companies, with pre-fill options available for repeat entries. This will also ensure that the data are ‘clean’ (i.e., names are spelled consistently – an enormous challenge with the current registers as well as the AEC donations database).
- For contact logs, create a data entry form with simple dropdown options (e.g. names of ministers/chiefs of staff, portfolios, key topics, etc.). As above, this will help ensure data are clean.

Implementing these steps will also improve the searchability of the registers for citizens, NGOs, researchers and others.

Alongside these elements of disclosure, strong enforcement and compliance mechanism are crucial, including independent oversight as well as financial and criminal penalties for non-compliance.

(b) the current sponsored pass system for lobbyists to access Australian Parliament House with particular regard to transparency and publication of lobbyists who are pass holders and their sponsors;

The current sponsored pass system for lobbyists to access Australian Parliament House is inadequate and could be improved by implementing the following recommendations:

1. Disclose the list of current pass holders
2. Disclose the sponsor(s) of current pass holders
3. Hold all pass holders to the same disclosure requirements as lobbyists (as by definition, they are also lobbyists)
4. Ensure that ‘cooling off’ periods are also implemented for pass holders (i.e., restricting former members of government and public servants from engaging in lobbying for at least 18 months).

(c) publicly accessible information of Australian Parliament House pass holders who are lobbyists and their sponsors.

Information regarding Australian Parliament House pass holders and their sponsors is inadequate and could be improved by implementing the following recommendations:

1. Information should be available online in the lobbyist register.
2. Use of the pass to visit APH should be documented in contact logs, disclosed within the week of the visit (and daily during election periods).

We thank you for the opportunity to provide input into the inquiry. We are happy to provide further information if useful.

Sincerely,

Dr Jennifer Lacy-Nichols and Dr Katherine Cullerton